CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JAN 0 9 2013 JULIA C. DUDLEY, CLERK

UNITED STATES OF AMERICA,	Criminal Action No.: 7:11-cr-00008-2
v.)	<u>ORDER</u>
SHANE ALAN LAFERTY.	By: James C. Turk Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the government's motion to dismiss, ECF No. 130, is **GRANTED** and that Lafferty's motion to vacate pursuant to 28 U.S.C. § 2255, ECF Nos. 108, 114, is hereby **DENIED**. This action shall be **STRICKEN** from the active docket of the court.

Further, finding that Lafferty has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the parties.

ENTER: This <u>f</u> day of January, 2013.

James C. Turk

Senior United States District Judge